March 8, 2004

Assistant Commissioner of Patents

Washington, DC 20231

09/826756

**PROTEST UNDER 37 CFR 1.291(a)**

Re: Business method for e-commerce through customized activity-based advertising

**RECEIVED**

US File: **20020147638**          Filed: 4/5/2001

**MAR 2 5 2004**

Sirs:

**GROUP 360(**

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20020147638**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon an advertising database maintained at wired and wireless client terminals in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded (syncing) via the internet or Bluetooth or otherwise to a desktop or wireless or other handheld or mobile terminal also referred to a "electronic communication device" (0031) that delivers advertising based upon location/time or in reaction to an executable program or other voluntary user actions. (0014) (0015).

Relevant Claims are: 1, 3, 4, 9 and others. The abstract reads, "A method, system and computer program product for determining appropriate advertisements or other content to be delivered to a consumer's computer based upon detection of a local physical event, such as the consumer's current or previous activity or location in a given local environment. A local event detection system in communication with the consumer's computer is used to detect changes in one or more physical parameter representative of an event associated within a given environment, such as detected motion, position, voltage and the like. An advertisement is selected from a database in accordance with a predetermined association with the event detected and, optionally, one or more aspect of a consumer profile. The advertisement is then delivered to a communicating device associated with the given local environment, such as the consumer's computer. "

Consistently, the inventor describes the invention in internet terms (0047) ... because it is simply an extension of the internet relating to advertising delivery. Moving from Point A to Point B as well as the time frame you move from A to B

are purely voluntary user events similar to surfing the internet and going to web sites at will. In a GPS or other location based system, advertising is delivered (pushed) (0033) and displayed based upon these voluntary user actions in one form or another, albeit audible or a monitor screen or other messages, when made by comparison to the dynamic longitude and latitude coordinates to an advertising database containing geographical and/or time frame coordinates and maintained dynamically at the client level mobile terminal and the location of advertisers. The ads are then delivered to users consequential to his or her actions. Descriptions of these actions and functions are described in (0014) (0015) (0016) (0017) (0031) (0033) (0047) and others.
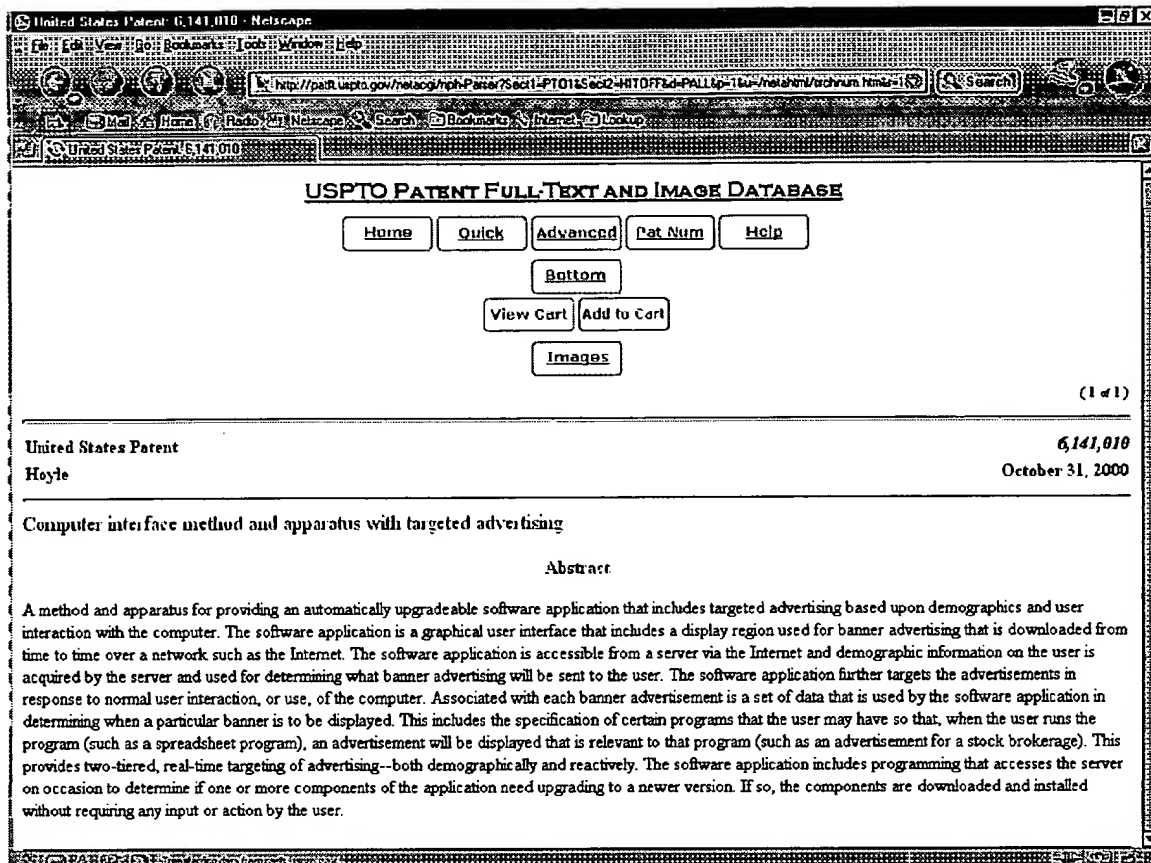
This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established "pushed" database (0033) and a targeted ad is displayed.

I am objecting to this patent application, as it is neither novel nor unique. It is of particular note that little prior art was submitted with this filing and only some vague references to server and user supplied profiling systems. The filers are correct that a targeted system based on URLs or keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 4/5/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.

# USPTO PATENT FULL-TEXT AND IMAGE DATABASE

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United States Patent                                                                 6,141,010
Hoyle                                                                         October 31, 2000

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

## Screenshot 1

# CLARIA.

■ CORPORATE OVERVIEW

CORPORATE OVERVIEW
- Overview
- News Room
- Management Team
- Employment
ADVERTISE
PRODUCTS & SERVICES
CONTACT US

## Overview

### ■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network. Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

### ■ History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB and Crosslink Capital.

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## Screenshot 2

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## TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD

**Bibliographic data** | Description | Claims | INPADOC LEGAL status

| | | Also published as: |
|---|---|---|
| Patent number: | CA2328913 | WO9955066 (A1) |
| Publication date: | 1999-10-28 | EP1076983 (A1) |
| Inventor: | ZETMEIR KARL D (US) | |
| Applicant: | ZETMEIR KARL D (US) | |
| Classification: | | |
| - international: | H04M3/00 | |
| - european: | | |
| Application number: | CA19992328913 19990414 | |
| Priority number(s): | US19980082041 19980417; WO1998US08102 19980414 | |

View INPADOC patent family

### Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.